

**AMENDMENTS TO THE DRAWINGS**

Figure 1 is amended, as required by the Examiner, to label variables MODEM1, MODEMN. Figure 2 is amended, as required by the Examiner, to label variables U11, U1N, U21, U2N, C11, C1N, C21, C2N.

Attachment: Replacement Sheets

**REMARKS**

***Preliminary Matter***

Applicants thank the Examiner for considering the references cited with the Information Disclosure Statements filed on July 3, 2003 and May 3, 2004. Applicants also thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119.

The Examiner notes that Applicants have not filed a certified copy of the priority document as required by 35 U.S.C. § 119. Accordingly, a certified copy of the priority document is submitted herewith.

***Status of the Application***

Claims 1-10 are all the claims pending in the application.

***Drawings***

The Examiner has objected to the Drawings for various informalities. The informalities noted by the Examiner have been corrected. Thus, withdrawal of this objection is respectfully requested.

***Specification***

The Examiner has objected to the specification for various informalities. The informalities noted by the Examiner have been corrected. Thus, withdrawal of this objection is respectfully requested.

***Claim Rejections - 35 U.S.C. § 112, second paragraph***

The Examiner has rejected claims 7 and 8 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant amends claim 7 and respectfully requests withdrawal of the rejection. Applicant respectfully traverses the rejection to claim 8.

The Examiner asserts that no antecedent basis is provided for “said access resource control means” recited in claim 8. Applicants submit that claim 7, from which claim 8 depends, recites an “access resource control means” and thus provides sufficient antecedent basis. Withdrawal of the rejection is respectfully requested.

***Claim Rejections - 35 U.S.C. § 102(b)***

The Examiner has rejected claims 1-10 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,953,338 to Ma et al. (hereinafter “Ma”). Applicant submits that the claims are patentable.

For example, claim 1 recites a method to deliver across an access network a data stream requiring a bandwidth and a quality of service. The method includes provisioning a plurality of virtual connections capable of meeting bandwidth and quality of service requirements between a plurality of users coupled to the access network, and an access server coupled to a content provider operable to deliver the data stream. After a user requests the data stream, if the user lacks support for negotiating or acknowledging the bandwidth through the access network with the bandwidth, the method further comprises identifying a virtual connection of the virtual connections capable of guaranteeing the quality of service between the user and the access server, checking whether the virtual connections can convey the bandwidth, and allowing or disallowing the data stream to be delivered over the virtual connection to the user, according to the checking.

Ma is directed to a virtual private network 170 connected to a plurality of clients. When a client requests for a call over the virtual private network 170, a centralized call admission control/usage monitor module 145 determines what virtual paths and virtual channels are needed

and, ultimately, will be connected depending on a number of factors including quality of service expectations (column 7, lines 13-26) to another client. A call control module 140 determines whether to allow the virtual connection to be setup (column 7, lines 5-8). An ATM switch 130K adjusts, alters, creates, or destroys the actual size of the virtual path, so that, if possible, the call requested by the client can be made (column 7, lines 31-36).

The Examiner contends that Ma's virtual private network 170 corresponds to the claimed access network and that Ma's client request for a call corresponds to the claimed request for a data stream. However, Ma does not teach or suggest a content provider which is operable to deliver the alleged data stream (call) and is connected to an access server of the alleged access network 170 as required by claim 1. Conversely, in Ma's invention, the alleged data stream is delivered from one of the alleged plurality of users to another of the plurality of users.

Moreover, Ma's alleged connections are established after the alleged checking of whether the connection can convey the required bandwidth (see Fig. 8). Thus, Ma does not teach or suggest identifying a virtual connection out of a plurality of provisioned virtual connections after a user has requested a data stream from a content provider and if the user lacks support for negotiating the bandwidth through the network.

Because Ma does not teach or suggest all of the features of claim 1 in complete detail, Applicants submit that the claim is patentable and respectfully request withdrawal of the rejections. Applicants also submit that claims 2-6, being dependent on claim 1 are patentable at least by virtue of their dependency.

Claim 7 recites features analogous to those recited in claim 1. Thus, Applicants submit that claim 7 is patentable at least for reasons analogous to those discussed above regarding claim

1. Applicants also submit that claims 8-10, being dependent on claim 7 are patentable at least by virtue of their dependency.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



---

Christopher R. Lipp  
Registration No. 41,157

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: May 29, 2007